IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.616 OF 2007

Shri. Suresh R. Biraje. ..Applicant.
Vs.
Bapusaheb A. Terdale and anr. ..Respondents.

Mr.Vijay Killedar for the Applicant.

Mr. M.H.Patil for the Respondents.

CORAM: R.S. MOHITE, J.
DATE : 22/11/2007

P.C.

1. This is an application for leave to appeal against the order of acquittal for offence under Section-138 of the Negotiable Instruments Act. On perusal of the impugned judgment and order, it is seen that the cogent reasons are given for the acquittal. The complainant had issued receipt for the full amount of Rs.1,02,068/- which was the bill amount. This amount is said to have been partly paid in cash and partly by cheque. The amount paid in cash was Rs.62,962/-and the amount paid by cheque was Rs.25.277/-. As regards the balance amount of Rs.13,899/- civil suit was filed for recovery of the said amount . It is now sought to be argued that the receipt amount included the cheque amount. The Advocate however, has not explained as to how the receipt amount also covered the amount of Rs.13,899/-

which is sought to be recovered by filing a civil suit. This throws doubt on the version of the complainant. The benefit of doubt has been correctly given to the accused. Hence, leave refused. Consequently the appeal to be filed.

(R. S. MOHITE, J.)